

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

TRAVIS LOWE

PLAINTIFF

VS.

CIVIL ACTION NO. 3:04CV992S

**KELLY YORK, MICHAEL MADDEN,
UNKNOWN CLEMENS, MIKE JONES,
C/O HARVEY, C/O HORN, C/O CARR
and C/O ALEXANDER**

DEFENDANTS

ORDER

This matter came before the court on the Plaintiff's Motion for an Order Compelling Discovery, by which he seeks certain information regarding the incident that is the basis for this lawsuit. On the same day that the Plaintiff filed this Motion, Defendants Carr and Alexander filed a response to an earlier request for documents. In that Response, the Defendants listed the documents that were being produced to the Plaintiff. The court has reviewed that list and is of the opinion that it contains the documents necessary for the Plaintiff to litigate his case. Therefore, the Motion for an Order Compelling Discovery will be denied.

Also in that Response, counsel for Carr and Alexander responded to the court's request, in the Omnibus Order, that they either procure the attendance of Mrs. Carr and Charles Pickering at trial, or notify the court where they may be served with process. According to these Defendants, Mrs. Carr is still an employee at the Walnut Grove Youth Correctional Facility. Presumably, then, the Defendants plan to bring her to the trial of this case. The Defendants further stated that Charles Pickering is no longer employed by MDOC, but "may now be working for the Mississippi Prison Industries Corporation in Jackson."

The court is setting this matter for trial on January 31, 2007, at 9:30 a.m. A writ will be issued for the Plaintiff's attendance, and the court will also issue a subpoena to be served on Pickering, requiring him to appear and give testimony, if he can be located. These Defendants earlier provided addresses for service of process of other Defendants. The court will also order that the United States Marshals Service serve these Defendants at those addresses.

IT IS, THEREFORE, ORDERED as follows:

1. The Plaintiff's Motion for an Order Compelling Discovery is hereby **denied**.
2. This matter is set for trial in Courtroom No. 4 of the James O. Eastland Federal Courthouse, 245 E. Capitol Street, Jackson, Mississippi, on January 31, 2007, at 9:30 a.m. before the undersigned United States Magistrate Judge.
3. The Clerk of this Court is directed to issue a Writ of Habeas Corpus ad Testificandum to the Warden of the Wilkinson County Correctional Facility to compel the Plaintiff's attendance on that date.
4. The Clerk of this Court is directed to issue a subpoena to Charles Pickering for his attendance at trial, to be served on him by the United States Marshals Service, at his place of employment at Mississippi Prison Industries Corporation, 663 North State Street, Jackson, Mississippi, 39202.
5. The Clerk of this Court is also direct to issue summons to the following Defendants, requiring an answer to the Plaintiff's Complaint, to be served by the United States Marshals Service at the indicated locations:
 - a. Kelly York
103 Oak Street
Walnut Grove, Mississippi, 39189

- b. Michael Brent Madden
2990 Hays Road
Walnut Grove, Mississippi 39189
- c. Charles T. Clemons
13185 Road 404
Philadelphia, Mississippi 39350
- d. Michael F. Jones and Jammie Horne
Walnut Grove Youth Correctional Facility
1650 Highway 492
Walnut Grove, Mississippi 39189

IT IS SO ORDERED, this the 18th day of October, 2006.

S/James C. Sumner

UNITED STATES MAGISTRATE JUDGE